## January 23, 2003

Examiner Eyler
United States Patent and Trademark Office
Technology Center 1600
Crystal Mall 1
1911 S. Clark Pl.
Room 10D19
Arlington, VA 22202

## Via Federal Express

Examiner Eyler

Pursuant to your request of Wednesday, January 22, 2003, enclosed please find <u>three copies</u> of the Amended Appeal Brief as originally filed on September 24, 2002 in application serial number 09/714,883 (Attorney Docket Number LEX-0092-USA). Please contact me at (281) 863-3399 if you have any questions concerning this matter.

Sincerely,

David W. Hibler

Davil W. Llou

Reg. No. 41,071

TECH CENTER 1600/2900

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Turner, Jr. and Mathur

Group Art Unit: 1646

Application No.: 09/714,883

Examiner: O. Chernyshé

Filed:

11/16/2000

Atty. Dkt. No.: LEX-009

Title: Novel Human Secreted Proteins and

Polynucleotides Encoding the Same

## **RESPONSE TO PAPER NUMBER 20 DATED JANUARY 14, 2003**

Assistant Commissioner for Patents Arlington, VA 22202

Sir:

The Applicants acknowledge the receipt of the Paper Number 20, mailed on January 14, 2003, which has been carefully reviewed and studied. Applicants herewith submit three copies of the Amended Appeal Brief, which was originally filed in triplicate on September 24, 2002.

Applicants believe no fees are due in connection with this response. However, the Commissioner is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-0892.

Respectfully submitted,

January 23, 2003

Date

David W. Hibler

Reg. No. 41,071

Agent for Applicants

LEXICON GENETICS INCORPORATED

8800 Technology Forest Place

with Ikole

The Woodlands, TX 77381

(281) 863-3399

24231

PATENT TRADEMARK OFFICE



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421

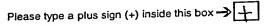
PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |                              |   |  | Application Number  |           | 09/714,883   |  |  |  |  |  |  |
|---|------------------------------|---|--|---|-----------|--|--|--|--|--|--|--|
|   | TRA                          | TIMENA                                    | <b>TAL</b>   | Filing Date   |           | Nov 16, 2000   |  |  |  |  |  |  |
|   |                              | FORM                                      |  | First Named Inventor  |           | Turner, Jr., C. Alexander  |  |  |  |  |  |  |
|   |                              |   |  | Group Art Unit  |           | 1646   |  |  |  |  |  |  |
| (to   | be used for a                | II correspondence a                       | after initial filing)                              | Examiner Name   |           | O. Chernyshev  |  |  |  |  |  |  |
|   | Total Number                 | of Pages in This<br>Submission            | 23 pages plus<br>16 Exhibits                       | Attorney Docket Num   | ber       | LEX-0092-USA 03 5  |  |  |  |  |  |  |
| ENCLOSURES (check all that apply)   |                              |   |  |   |           |  |  |  |  |  |  |  |
|   | Fee Transmi                  | ttal Form                                 | Assignment (for an App                             | nt Papers   |           | After Allowance Communication to Group   |  |  |  |  |  |  |
|   | Fee A                        | ttached                                   | Drawing(s  | )   |           | Appeal Communication to Board of Appeals and Interferences   |  |  |  |  |  |  |
|   | Amendment                    | / Reply                                   | Licensing-related Papers                           |   |           | Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)   |  |  |  |  |  |  |
|   | After F                      | Final                                     | Petition   |   |           | Proprietary Information  |  |  |  |  |  |  |
|   | Affida                       | vits/declaration(s)                       | Terminal Disclaimer - Re - Co Request for Refund F |   |           | eturn Postcard<br>esponse to Paper #20   |  |  |  |  |  |  |
|   | Extension of                 | Time Request                              |  |   |           |  |  |  |  |  |  |  |
|   | Express Aba                  | ndonment Request                          |  |   |           |  |  |  |  |  |  |  |
|   | Information [                | Disclosure Statemer                       |  |   |           | <ul> <li>Copy of Amended Appeal Brief as Originally<br/>Filed</li> <li>Exhibits A - P</li> </ul>               |  |  |  |  |  |  |
|   | Certified Cop<br>Document(s) | •   |  |   |           | ,  |  |  |  |  |  |  |
|   | Response to Incomplete A     | Missing Parts/                            | Remarks  |   |           |  |  |  |  |  |  |  |
|   | Respo                        | nse to Missing Part<br>37 CFR 1.52 or 1.5 |  | FILED   | <u>IN</u> | TRIPLICATE   |  |  |  |  |  |  |
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| Firm<br><i>or</i>   |                              | Lexicon Geneti                            | cs Incorporated                                    |   |           | . I TERRETARIA DE LE TRES DE LA T |  |  |  |  |  |  |
|   |                              | Lance K. Ishim                            |  |   |           | <u> </u>   |  |  |  |  |  |  |
| Signature Lance K. Eller  |                              |   | morter by De                                       | nista by Sour Milder 22. NO. 41,071 PATENT TRADEMARK OFFICE |           |  |  |  |  |  |  |  |
| Date January 23, 2003   |                              |   |  |   |           |  |  |  |  |  |  |  |
|   |                              |   | CERT   | IFICATE OF MAILING  | - " -     |  |  |  |  |  |  |  |
| I hereby certify that this correspondence is being deposited with Federal Express with sufficient postage as Second-Day Air mail in an envelope addressed to: Commissioner for Patents, Arlington, VA 22202 on this date:  January 23, 2003 |                              |   |  |   |           |  |  |  |  |  |  |  |
| Typed or printed name Michelle Klein  |                              |   |  |   |           |  |  |  |  |  |  |  |
| Signature Date January 23, 2003   |                              |   |  |   |           |  |  |  |  |  |  |  |



Approval for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| Application  |   |                  |                     |                                  |  | Application Number   | n Number  |                           | 09/714,883  |      |  |  |
|--|---|------------------|---------------------|----------------------------------|--|----------------------|---|---------------------------|---|------|--|--|
|  |   |                  |                     |                                  |  | Filing Date          |   | Nov 16, 2000              |   |      |  |  |
| TRANSMITTAL  |   |                  |                     |                                  |  | First Named Inventor |   | Turner, Jr., C. Alexander |   |      |  |  |
| FORM   |   |                  |                     |                                  |  | Group Art Unit       |   | 1646                      |   |      |  |  |
| (to be used for all correspondence after initial filing)   |   |                  |                     |                                  | ıl filing)                             | Examiner Name        |   | O. Chernyshev             |   |      |  |  |
| Total Number of Pages in This 20 pages plus  |   |                  |                     | ges plus                         | Attorney Docket Number                 |                      | LEX-0092-USA  |                           |   |      |  |  |
| Total (Carlos)   |   | ubmission        |                     | 16                               | Exhibits                               |                      |   |                           |   |      |  |  |
| ENCLOSURES (check all that apply)  After Allowance Communication   |   |                  |                     |                                  |  |                      |   |                           |   |      |  |  |
| Fee Tr   | ansmitt                                     | al Form          |                     |                                  | Assignme                               | nt Papers            |   | to Grou                   | Ip  |      |  |  |
| <b>—</b>   | Fee Att                                     |                  |                     |                                  | Drawing(s                              |                      | X   | Appeal of Appe            | Communication to Board eals and Interferences                     |      |  |  |
| <b></b>  |   |                  |                     |                                  | Licensing-                             | -related Papers      |   | Appeal<br>(Appeal         | Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |      |  |  |
| Amendment / Reply  After Final   |   |                  |                     |                                  | Petition                               |                      |   | Proprie                   | etary Information   |      |  |  |
|  |   |                  | ion(s)              |                                  | Petition to                            | Convert to a         |   | Status                    | Letter  |      |  |  |
| Affidavits/declaration(s)  |   |                  |                     |                                  | al Application<br>Attorney, Revocation | X                    | Other I   | Enclosure(s) (please      |   |      |  |  |
| Extension of Time Request (Original & Copy)  |   |                  | <b>     </b><br>  . | Change of Correspondence Address |  |                      | identify below):  - Return Postcard  - Exhibits A - P |                           |   |      |  |  |
| Express Abandonment Request  |   |                  |                     | Terminal I                       |  | Disclaimer           |   |                           |   | - Re |  |  |
| Information Disclosure Statement Certified Copy of Priority  |   |                  | Request for Refund  |                                  |  |                      |   |                           |   |      |  |  |
|  |   |                  |                     | CD, Num                          | ber of CD(s)                           |                      | ·   |                           |   |      |  |  |
| Document(s)  Response to Missing Parts/  |   |                  |                     | Remarks Filed in triplicate      |  |                      |   |                           |   |      |  |  |
| Incom  | Incomplete Application  Response to Missing |                  |                     |                                  |  |                      |   |                           |   |      |  |  |
|  | Parts of 1.53                               | ınder 37 Cl<br>I | FR 1.52             |                                  |  |                      |   |                           |   |      |  |  |
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| Firm   |   | Lexicon          |                     |                                  | rporated                               |                      |   |                           |   |      |  |  |
| or<br>Individual n   | name  | Lance K          | (. Ishim            | oto                              | Reg.                                   | No. 41,866           | + 4   |                           | 24231   |      |  |  |
| Signature Lance K. Sumuso & Oarid M. Heller pes. No. 41,071 PATENT TRADEMARK OFFICE  |   |                  |                     |                                  |  |                      |   | PATENT TRADEMARK OFFICE   |   |      |  |  |
| Date   |   | Septem           | ber 24,             | 2002                             |  |                      |   |                           |   |      |  |  |
|  |   |                  |                     |                                  |  |                      |   |                           |   |      |  |  |
|  |   |                  |                     |                                  | CER                                    | TIFICATE OF MAILING  | G<br>   | arioo with                | sufficient postage as Express Ma                                  |      |  |  |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail # EV173548793US addressed to: Commissioner for Patents, Arlington, VA 22202 on this date:  September 24, 2002 |   |                  |                     |                                  |  |                      |   |                           |   |      |  |  |
|  |   |                  |                     |                                  |  |                      |   |                           |   |      |  |  |
| Typed or printed name Michelle Klein  Date September 24, 2002  |   |                  |                     |                                  |  |                      |   |                           |   |      |  |  |
| Signature  |   |                  |                     |                                  |  |                      |   |                           |   |      |  |  |



Attn: <u>0. Chernyshev</u>

Assistant Commissioner for Patents Date Mailed: 11/16/00 U.S. Appl. Ser. No.: Date Filed: Inventors: TUYNEY 20 Polyn vde ondes UIFE <del>'</del>ć، SEP 2 4 2002 LEX-0092-USA Attorney Docket No.: Lt X AMENDED APPEAL Other: return postcard; Transmittal Sheet Mailing Label ZU EPSB42ESI V3 EXPRESS INITED STATES POSTAL SERVICE ® **Customer Copy** EXPRESS MAIL UNITED STATES POSTAL SERVICE® Post Office To Addressee DELIVERY (POSTAL USE ONL Flat Rate Envelope Return Receipt Fee 2nd Day 370 000 Federal Agency Acct. No. or Postal Service Acct. No. -FROM: (PLEASE PRINT) TO: (PLEASE PRINT) LEXICON GENETICS INC 3800 TECHNOLOGY FOREST PL THE WOODLANDS TX 773 77381-1160 FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com